REMARKS

This is in full and timely response to the Office Action dated August 31, 2009.

Claims 3-5, 8-9, and 11-12 are currently pending in this application, with claims 3-5, 8-9, and 11-12 being independent. *No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

Claim Objections

1.1 Paragraph 8 of the Office Action contends that claims 5, 10, and 13 are objected to because of the following informalities:

> **At the end of the first clause, "number of each of claims" is improper grammar. At the end of the second clause, there should be a semi-colon. Appropriate correction is required.**

This objection is traversed at least for the following reasons.

Claims 5, 10 and 13 – Regarding the term "*number of each of claims*", claims 5, 10 and 13 include:

> a parent claim number obtainment step of *obtaining a parent claim number* of *each of claims*.

Regarding the insertion of a semi-colon, while not conceding the propriety of this objection and in order to advance the prosecution of the present application, claim 5 has been amended by placing a semi-colon at the end of the second clause.

Withdrawal of this objection and allowance of the claims is respectfully requested.

1.2 Paragraph 9 of the Office Action contends that claims 8 and 9 are objected to because of the following informalities:

> **Abbreviations or acronyms, i.e., MPU, should be written out in the claims. Appropriate correction is required.**

This objection is traversed at least for the following reasons.

Claims 8 and 9 – While not conceding the propriety of this objection and in order to advance the prosecution of the present application, claims 8 and 9 have been amended in the manner requested.

Withdrawal of this objection and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. §112, first paragraph

1 Written description, generally

As a rule, "the purpose of the 'written description' requirement is broader than to merely explain how to 'make and use'; the applicant must also convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention." *Vas-Cath Inc. v. Mahurkar*, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). See also M.P.E.P §2163.02.

"How the specification accomplishes this is not material. *It is not necessary that the application describe the claim limitations exactly*, but only so clearly that persons of ordinary skill in the art will recognize from the disclosure that the [Applicant] invented [the claimed invention]. The primary consideration is factual and depends on the nature of the invention and the amount of knowledge imparted to those skilled in the art by the disclosure." (Citations Omitted, emphasis added). *In re Wertheim*, 262, 191 USPQ 90, 96 (CCPA 1976).

"The applicant does not have to utilize any particular form of disclosure to describe the subject matter claimed." *In re Alton*, 37 USPQ2d 1578, 1581 (Fed. Cir. 1996). "The invention is, for purposes of the 'written description' inquiry, whatever is *now claimed*" (emphasis added). *Vas-Cath Inc. v. Mahurkar*, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991).

Before repeating the rejection within a subsequent Office Action, section 2163(III)(B) of the M.P.E.P. compels the review of the basis for the written description rejection in view of the record as a whole, including amendments, arguments, and any evidence submitted by applicant.

If the whole record now demonstrates that the written description requirement is satisfied, section 2163(III)(B) of the M.P.E.P. further instructs that the written description rejection *should not be repeated* within the next Office Action.

But if the written description rejection is repeated, section 2163(III)(B) of the M.P.E.P. additionally provides that the Office Action should include a *full response to the Applicant's rebuttal arguments*, and should also include proper treatment of any further showings submitted by applicant in the reply.

2 Paragraph 12 of the Office Action contends that claims 3, 8, and 11 recite the limitation {the number of words for preferred embodiment / the number of words for claims} for a specification analysis step. It is unclear how the words for a preferred embodiment are delineated.

This rejection is traversed at least for the following reasons.

Claims 3, 8, and 11 – Claims 3, 8, and 11 include the following formula:

{the number of words for preferred embodiment/the number of words for claims}.

Here, the specification as originally filed, beginning at page 16, line 14, provides that:

> The specification analysis part 1301 analyzes a specification stored in the specification storage part 102. The analysis in this context includes parsing, lexical analysis, and the like, and would usually mean a process of ***counting the number of words***, for example, for predetermined items of a specification, and a process of counting the number of elements set forth in each claim (a more detailed discussion will be given below.) Typically, the specification analysis part 1301 can be formed by an MPU, a memory device, and the like, and processes assigned thereto are realized by software that is stored in a recording medium such as a hard disk. However, hardware implementation (using a dedicated circuit) is also feasible.

The specification as originally filed, beginning at page 17, line 8, provides that:

> The specification disclosure level calculation means 13021 calculates a specification disclosure level that indicates how properly a claimed invention set forth under "What is claimed is" is rephrased in other descriptive parts of the specification, so as to ensure that the full scope of the claimed invention is enabled. The calculation means 13021 calculates a specification disclosure level, for example, following the formula ***{number of words for preferred embodiments / number of words for claims.}*** The formula used is not limited to this particular formula, however.

The specification as originally filed, beginning at page 19, line 14, provides that:

> In step S1507, the total ***number of words for all preferred embodiments*** is obtained.

The specification as originally filed, beginning at page 20, line 1, provides that:

> The following describes how the number of claims, ***number of words***, number of claim categories, and the nesting level are obtained. First, the number of claims is equal to the largest number assigned to the last claim. Next, the nesting level can be

obtained when a claim hierarchy is properly modeled (see "Embodiment 1"). The number of claim categories can be obtained by obtaining tail terms such as *"device,"* *"means,"* and *"program"* within claims, and counting the number of such terms present. How to obtain the number of words is omitted since it is obvious.

The specification as originally filed, beginning at page 20, line 1, provides that:

In step S1602, the specification disclosure level is obtained through the use of a formula such as ***{number of words for preferred embodiments / number of words for claims}.***

The specification as originally filed, beginning at page 20, line 18, provides that:

After that, in order to obtain the specification disclosure level (h), the formula ***{number of words for preferred embodiments / number of words for claims}*** is applied, which yields {h = 8726 / 1167 = approximately 7.48.}

The specification as originally filed, beginning at page 22, line 5, provides that:

In the example shown in Fig. 23 (a), raw data is plotted by item before feeding into the calculation of characteristics. Each axis is scaled from zero to 100. Those values plotted along the axis of the "smallest number (#) of elements" are obtained by identifying a claim having the fewest elements for each specification, and adjusting the values thereof, so that a specification whose claim has the fewest elements is assigned the maximum value on a scale of 100. This is based on the view that the smaller the number of elements is, the broader the scope a patent right has. Likewise, the "smallest number (#) of claim text words" indicates values obtained by identifying a claim having the smallest word count for each specification, and adjusting the values thereof, so that a specification whose claim has the smallest word count is assigned the maximum value on the scale. This is based on the view that the smaller the number of claim text words is, the broader the scope a patent

right has. The "number (#) of claims" indicates values obtained by counting the number of claims within a specification, and adjusting the values thereof, so that a specification having the most claims is assigned the maximum value on the scale. This is based on the view that the more claims that are included, the better developed an inventive idea is, and hence the higher its patent value. Along the "number (#) of claim categories" axis, the values noted are obtained by counting the number of categories to which each claim belongs for each specification, and adjusting the values thereof, so that a specification having the most categories is assigned the maximum value on the scale. The "maximum nesting level" indicates values obtained by determining the depth of a hierarchy structured by independent-dependent relationships between claims, and adjusting the values thereof, so that a specification having the deepest hierarchy is assigned the maximum value on the scale. This is based on the view that the deeper a claim hierarchy is, the more deeply speculated the inventive idea is (i.e., the inventive idea is fully devised from multiple aspects), and hence the higher its patent value. The "number (#) of pages for preferred embodiments" indicates values obtained by counting the number of pages used for reciting preferred or exemplary embodiments of a claimed invention, and adjusting the values thereof, so that a specification having the largest number of such pages is assigned the maximum value on the scale. This is based on the view that the more pages that are used for reciting preferred embodiments, the more disclosed an invention is. Hence the application is less likely to become null due to its inconformity to the enablement requirement, which would usually mean that its patent value is higher. The "***preferred embodiments / claims***" indicates values obtained by calculating a ratio of an amount of description for preferred embodiments to an amount of description for claims (***for example, in terms of word count***), and adjusting the values thereof, so that a specification having the largest ratio is assigned the maximum value on the scale. If the amount of description for preferred embodiments exceeds the amount of description for claims, that invention is generally considered to be fully disclosed, and hence is less likely to become null

due to its inconformity to the enablement requirement, which would usually mean that its patent value is higher. The "number (#) of cited literature" indicates values obtained by counting the number of references cited under "Background of the Invention," and adjusting the values thereof, so that a specification having the largest number of cited references is assigned the maximum value on the scale. This is based on the view that the more references that are cited, the more rigorous the patent search performed for that specification. Hence that application is less likely to receive a rejection or nullification, and its patent value is therefore higher.

Thus, the applicant was in possession of the invention as of the filing date, and the invention was sufficiently disclosed through illustrative examples and terminology to teach the skilled artisan how to make and how to use the invention.

The requirements of 35 U.S.C. §112, first paragraph, have been realized within the above-identified application.

Withdrawal of the rejection and allowance of the claims is respectfully requested.

3 Paragraph 13 of the Office Action contends that, furthermore, the instant specification discloses that the overall patent value is obtained by weighing the invention development level (f=5.6), the inventive feature extraction level (g=1.14), and the specification disclosure level (h=7.48) to calculate a value of 70 points ([0113]; Figure 18).

This rejection is traversed at least for the following reasons.

The Office Action ***fails*** to identify the claim to which this rejection is intended to pertain.

Instead, the applicant was in possession of the invention as of the filing date, and the invention was sufficiently disclosed through illustrative examples and terminology to teach the skilled artisan how to make and how to use the invention.

The requirements of 35 U.S.C. §112, first paragraph, have been realized within the above-identified application.

4 **Paragraph 13 of the Office Action further contends that, specifically, in regard to claims 5, 10, and 13, and the nesting level, the instant specification states that a specification having the deepest hierarchy is assigned the maximum value on the scale. This is based on the view that the deeper a claim hierarchy is, the more deeply speculated the inventive idea is (i.e., the inventive idea is fully devised from multiple aspects), and hence the higher its patent value ([0122]).**

This rejection is traversed at least for the following reasons.

Claims 5, 10 and 13 - The specification as originally filed, beginning at page 17, line 13, provides that:

> The invention expansion level calculation means 13022 calculates an invention expansion level that indicates how broadly a relevant invention is expanded. The invention expansion level (f) is obtained, for example, following the formula {f = "number of claims" * 0.5 + "depth of claim nesting level" * 0.3 + "number of claim categories" * 0.2}. ***Here "depth of claim nesting level" indicates the deepest level of a claim hierarchy represented by a claim tree***. In the example of the claim tree in Fig. 5, the number is four, since there are four levels. The "number of claim categories" indicates how many of the four categories (*"device," "means," "medium,"* and *"program"*) are covered. Note that the formula used is not limited to this particular formula, however.

The specification as originally filed, beginning at page 19, line 9, provides that:

> In step S1503, the ***nesting level of the claim hierarchy is obtained***.

The specification as originally filed, beginning at page 19, line 15, provides that:

> The following describes how the number of claims, number of words, number of claim categories, and the ***nesting level*** are obtained. First, the number of claims is equal to the largest number assigned to the last claim. ***Next, the nesting level can be obtained when a claim hierarchy is properly modeled (see "Embodiment 1").*** The number of claim categories can be obtained by obtaining tail terms such as *"device," "means,"* and *"program"* within claims, and counting the number of such terms present. How to obtain the number of words is omitted since it is obvious.

The specification as originally filed, beginning at page 19, line 23, provides that:

> In step S1601, the invention expansion level (f) is obtained through the use of a formula such as {f = "number of claims" * 0.5 + "***depth of claim nesting level***" * 0.3 + "number of claim categories" * 0.2}.

The specification as originally filed, beginning at page 22, line 5, provides that:

> In the example shown in Fig. 23 (a), raw data is plotted by item before feeding into the calculation of characteristics. Each axis is scaled from zero to 100. Those values plotted along the axis of the "smallest number (#) of elements" are obtained by identifying a claim having the fewest elements for each specification, and adjusting the values thereof, so that a specification whose claim has the fewest elements is assigned the maximum value on a scale of 100. This is based on the view that the smaller the number of elements is, the broader the scope a patent right has. Likewise, the "smallest number (#) of claim text words" indicates values obtained by identifying a claim having the smallest word count for each specification, and

adjusting the values thereof, so that a specification whose claim has the smallest word count is assigned the maximum value on the scale. This is based on the view that the smaller the number of claim text words is, the broader the scope a patent right has. The "number (#) of claims" indicates values obtained by counting the number of claims within a specification, and adjusting the values thereof, so that a specification having the most claims is assigned the maximum value on the scale. This is based on the view that the more claims that are included, the better developed an inventive idea is; and hence the higher its patent value. Along the "number (#) of claim categories" axis, the values noted are obtained by counting the number of categories to which each claim belongs for each specification, and adjusting the values thereof, so that a specification having the most categories is assigned the maximum value on the scale. The "***maximum nesting level***" indicates values obtained by determining the depth of a hierarchy structured by independent-dependent relationships between claims, and adjusting the values thereof, so that a specification having the ***deepest hierarchy*** is assigned the maximum value on the scale. *This is based on the view that* ***the deeper a claim hierarchy is, the more deeply speculated the inventive idea is*** *(i.e., the inventive idea is fully devised from multiple aspects), and hence the higher its patent value*. The "number (#) of pages for preferred embodiments" indicates values obtained by counting the number of pages used for reciting preferred or exemplary embodiments of a claimed invention, and adjusting the values thereof, so that a specification having the largest number of such pages is assigned the maximum value on the scale. This is based on the view that the more pages that are used for reciting preferred embodiments, the more disclosed an invention is. Hence the application is less likely to become null due to its inconformity to the enablement requirement, which would usually mean that its patent value is higher. The "preferred embodiments / claims" indicates values obtained by calculating a ratio of an amount of description for preferred embodiments to an amount of description for claims (for example, in terms of word count), and adjusting the values thereof, so that a specification having the largest

ratio is assigned the maximum value on the scale. If the amount of description for preferred embodiments exceeds the amount of description for claims, that invention is generally considered to be fully disclosed, and hence is less likely to become null due to its inconformity to the enablement requirement, which would usually mean that its patent value is higher. The "number (#) of cited literature" indicates values obtained by counting the number of references cited under "Background of the Invention," and adjusting the values thereof, so that a specification having the largest number of cited references is assigned the maximum value on the scale. This is based on the view that the more references that are cited, the more rigorous the patent search performed for that specification. Hence that application is less likely to receive a rejection or nullification, and its patent value is therefore higher.

The specification as originally filed, beginning at page 23, line 24, provides that:

In another example, shown in Fig. 23 (b), resulting data is plotted by characteristic. This chart is obtained by quantifying each characteristic using the method mentioned above. The "toughness" is assigned a higher score as a patent search is fully performed, and the "number of cited literature" increases. For this score, a value from the "number of cited literature" in Fig. 23 (a) may apply. The "inventive feature extraction level" may be obtained using the "smallest number of elements" and "smallest number of claim text words" values in Fig. 23 (a) as parameters. Alternatively, it may be obtained using the "number of claims," "number of claim categories," and "***maximum nesting level***" values as parameters. Moreover, the "enabling guarantee" may be obtained using the "number of pages for preferred embodiments" and "preferred embodiments / claims" values in Fig. 23 (a) as parameters.

Here, the applicant was in possession of the invention as of the filing date, and the invention was sufficiently disclosed through illustrative examples and terminology to teach the skilled artisan how to make and how to use the invention.

The requirements of 35 U.S.C. §112, first paragraph, have been realized within the above-identified application.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. §112, second paragraph

1 **Paragraph 15 of the Office Action contends that for example, Applicant uses the language preferred embodiment in the instant specification. Applicant then lists several embodiments. Are all of the embodiments preferred embodiments or is only one embodiment preferred?**

This rejection is traversed at least for the following reasons.

The Office Action ***fails*** to identify the language within claim 3, 8, or 11 that is specifically complained of.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

2 **Paragraph 16 of the Office Action contends that, also, the phrase "permits a computer to implement" is vague and indefinite.**

This rejection is traversed at least for the following reasons.

While not conceding the propriety of this objection and in order to advance the prosecution of the present application, the claims have been amended in the manner suggested.

Withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §101

1 **Paragraph 18 of the Office Action asserts that claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 10 recites a device, however, the obtainment unit and the calculator appear to be software per se and not a structural part of the device.**

This rejection is traversed at least for the following reasons.

Claim 10 – While not conceding the propriety of this objection and in order to advance the prosecution of the present application, claim 10 has been amended.

Withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

MPEP§2141 III states as follows:

> The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "'[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396.

1 Rejection of Claims 3, 8, and 11 under 35 U.S.C. §103

This rejection is traversed at least for the following reasons.

Claims 3, 8, and 11 – Present within claims 3, 8, and 11 is the following formula:

{the number of words for preferred embodiment / the number of words for claims}.

U.S. Patent Number 6,556,992 (Barney) – Page 10 of the Office Action readily admits that Barney ***does not disclose*** a patent value calculation step of calculating a patent value using the following formula:

{the number of words for preferred embodiment / the number of words for claims}.

Thus, Barney fails to disclose, teach, or suggest a patent value calculation step of calculating a patent value using the following formula:

{the number of words for preferred embodiment / the number of words for claims}.

Nevertheless, page 11 of the Office Action contends that *it would have been obvious to one of ordinary skill in the art at the time of the invention to use different ratios in order to be able to provide a comprehensive quantifiable analysis.*

In response, assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the appellant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference. *In re Pardo and Landau*, 214 USPQ 673, 677 (CCPA 1982).

The support must have existed at the time the claimed invention was made. *In re Merck & Co., Inc.*, 231 USPQ 375, 379 (Fed. Cir. 1986).

To have a reasonable expectation of success, one must be motivated ***to do more*** than merely to vary all parameters or try each of numerous possible choices until one possibly arrived at a successful result, where the *prior art gave* either ***no indication*** of which parameters were critical or ***no direction*** as to which of many possible choices is likely to be successful. *Pfizer Inc. v. Apotex Inc.*, 82 USPQ2d 1321, 1333 (Fed. Cir. 2007).

Here, the Office Action ***fails*** to identify any written description in the specification of Barney for supporting that *it would have been obvious to one of ordinary skill in the art at the time of the invention to use different ratios in order to be able to provide a comprehensive quantifiable analysis.*

Broad conclusory statements, standing alone, are not evidence. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

In addition to the absence of any objective supporting evidence or disclosure within Barney, it is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991).

To imbue one of ordinary skill in the art with knowledge of the invention [on appeal], when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 USPQ 303, 312-313 (Fed. Cir. 1983).

As previously noted, present within claims 3, 8, and 11 is the following formula:

{the number of words for preferred embodiment / the number of words for claims}.

Appellant's own specification provides a written description of the formula at:

i) - Page 17, lines 11-14; ii) - Page 20, lines 1-2; iii) - Page 20, lines 18-19.

In the absence of any disclosure within Barney or any other objective supporting evidence, the articulated line of reasoning within the Office Action appears to have been merely an extraction from the Appellant's own specification.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

2 Rejection of Claims 4, 9, and 12 under 35 U.S.C. §103

This rejection is traversed at least for the following reasons.

Claims 4, 9, and 12 – Present within claims 4, 9, and 12 is the feature of *calculating a patent value using the smallest number of elements composing one claim.*

Barney – Figure 4 of Barney is provided hereinbelow.

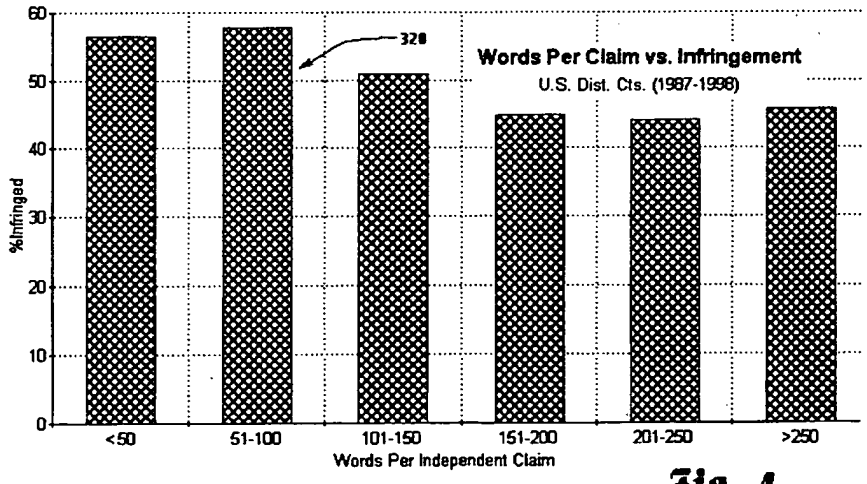

Fig. 4

The paragraph of Barney beginning at column 20, line 18, is provided hereinbelow.

> Similarly, FIG. 4 is a graph 320 of ***percentages of litigated patents*** found to be infringed by a federal district court between 1987 and 1998, illustrating a statistical relationship between the incidence of infringement and the average number of words or "word count" per independent claim. The graph generally illustrates a declining incidence of patent infringement with increasing word count. Again, this supports the generally-held notion that longer claims are narrower than shorter claims. Of course, those skilled in the art will recognize that more sophisticated relationships could also be established and characterized statistically.

Here, Barney fails to disclose, teach, or suggest the feature of calculating a patent value using the smallest number of elements composing one claim.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

2.1 Rejection of Claims 5, 10, and 13 under 35 U.S.C. §103

This rejection is traversed at least for the following reasons.

Claims 5, 10 and 13 – Claims 5, 10 and 13 include *a patent value calculation step of calculating a patent value using the nesting level as a parameter so that the deeper the nesting level the higher the patent value.*

Barney – Page 12 of the Office Action ***readily admits*** that Barney ***does not teach*** *a patent value calculation step of calculating a patent value using the nesting level as a parameter so that the deeper the nesting level the higher the patent value.*

U.S. Patent Number 5,774,833 (Newman) – The paragraph of Newman beginning at column 10, line 7, is provided hereinbelow.

> FIGS. 4 and 5 illustrate two different representations of the same claim dependency tree. In FIG. 4, there are shown three independent trees 400, 402, and 404. The first independent tree 400 shows that claim 1 is an independent claim, claims 2, 3 and 5 are dependent on claim 1 (i.e., include all limitations of claim 1 as well as their own recited limitations), and that claim 4 is dependent on claim 2. Similarly, the independent dependency trees 402 and 404 can be interpreted with claim 6 and claim 11 being the independent claims, respectively. The group of independent claim trees 400, 402, and 404 together form a complete claim dependency tree for the particular patent text under consideration.

Figures 4 and 5 of Newman are provided hereinbelow.

FIG. 4

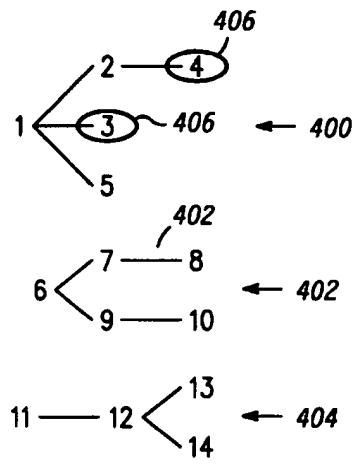

FIG. 5

COLUMN →	1	2	3	ROW ↓
	1			1
		2		2
			• • • 4	3
		• • • 3		4
		5		5
	6			6
		7		7
			8	8
		9		9
			10	10
	11			11
		12		12
			13	13
			14	14

However, Newman ***fails*** to disclose, teach, or suggest *a patent value calculation step of calculating a patent value using the nesting level as a parameter so that the deeper the nesting level the higher the patent value.*

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 C.F.R. 1.104(d)(2), M.P.E.P. § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees- general authorization

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Conclusion

This response is believed to be a complete response to the Office Action. Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: December 1, 2009

Respectfully submitted,

By_____

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